

# T H E C A S E O F

*Walter Williams of the Midle-Temple, Esq;*

**T**H E said *Williams* having an Appeal depending before the Lords in Parliament, Anno 1685, against *Richard Reed*, *Sir William Gregory*, and *Richard Witherstone*, from a Decree made in Chancery in the Year 1680. for Fourscore Pounds *per Annum* for two and thirty Years; the said Appeal was then appointed to be heard, but that Parliament was Dissolv'd before the hearing.

In the Parliament begun 1688. the said Cause upon the Appeal was again appointed to be heard, but the said *Sir William Gregory* being chose a Member of that House of Commons, the said *Williams* was advis'd that it would be a breach of Privilege if he proceeded against *Sir William Gregory* without the leave of the House, tho' *Sir William* himself consented to wave his Priviledge, for that the Priviledge was the Priviledge of the whole House, rather then of the particular Members; whereupon the said *Williams* applyed himself to several Members of the then House of Commons to move the House for leave to proceed against the said *Sir William Gregory*, but it so fell out that none of them could have an opportunity to move for leave before the day appointed for hearing of the said Appeal, which was on the 26th of March, 1689. on which day the said *Williams* acquainted their Lordships how the Case stood, and pray'd them to Adjourn the Cause for a Week that opportunity might be had, to move the said House for leave to proceed against the said *Sir William Gregory*, but Mr. Serjeant *Hutchings* being of Council for the said *Reed*, *Gregory* and *Wytberstone*, he pressed their Lordships, that unless your Petitioner would proceed then, that the Appeal should be dismiss'd; and the said *Williams*, out of due Regard to the Priviledge of the Commons in Parliament, desiring to be excused from proceeding before he had got leave of the then House of Commons; their Lordships refus'd to Adjourn the Cause and dismiss'd the Appeal.

Afterwards the said *Sir William Gregory* was made a Baron of the Exchequer, whereupon, and in another Session of that Parliament, the said *Williams* preferr'd a Petition to their Lordships, therein setting forth the Premises, and praying leave to renew the said Appeal, but their Lordships rejected the said Petition.

Forasmuch as the said *Williams* is advis'd, that the true Legal way of being relieved against erroneous and unjust Decrees in Courts of Equity (as appears by a long continued course of Practice for several Kings Reigns, and until the late Wars, and not yet alter'd by Law,) is first by Commission to the Judges, and such others as are of ability and integrity to Judge thereof, and then in case they should err, the last resort is in the King, Lords and Commons in full Parliament.

*It is therefore humbly prayed that the Commons of England in Parliament Assembled, (as well for publick Justice as for the said Williams's relief) would use their endeavour and intercession to His Majesty, that that course may be reviv'd, and that the said Williams and all others may have the benefit thereof.*

The said *Williams* and several others, in the latter end of the Reign of King Charles the Second, Petition'd His Majesty for a Commission for the purpose aforesaid, but the then Lord Chancellor, and after him the Lord Keeper, oppos'd it, alledging, that the Statute of 16 Car. 2. cap. 10. disabled the King from granting any such Commission, whereas in truth that Statute only says, that neither the King nor the Privy Council shall have any Jurisdiction over the Estates of the Subject, to determine Arbitrarily, and that the same ought to be determin'd in the ordinary Courts of Justice, But that doth not disable the King from appointing Judges and Commissioners to determine Causes according to the ordinary Course, and Granting such orders and Commissions to Review Decrees in Chancery was an ordinary Course, until discontinued by the Rebellion; yet the said Opinion will still hinder it, unless the Commons will interceed for it to the King, as being a Legal Course of Administration of Justice laid aside without any Law for it..

It is conceived, there is more cause for the Commons to Address to the King for a Commission in this Case then was for the Lords to do it in the Case of *Mathews* and *Mathews* as they did, as appears by the Lords Journal 28th of May, 1624.

*All which is humbly submitted to their Consideration.*